

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Chris Gregerson,

Plaintiff,

vs.

Vilana Financial, Inc. a Minnesota
Corporation; Vilana Realty, Inc. a
Minnesota Corporation; and
Andrew Vilenchik, a private
individual,

Defendants.

No.: 06-cv-01164 (ADM/AJB)

**SECOND AFFIDAVIT OF
ANDREW VILENCHIK**

STATE OF MINNESOTA)
)ss
COUNTY OF HENNEPIN)

Andrew Vilenchik, being first duly sworn upon oath, deposes and states:

1. I currently reside in Hennepin County, Minnesota. I have personal knowledge of the matters set forth herein. This Affidavit is filed in support of Defendants Opposition Brief to Plaintiff's Motion for Partial Summary Judgment.

2. I never thought back in March of 2004 when Vilana Financial opened for business that simple thing such as purchasing photographs from an individual representing himself to be a photographer would turn into a nightmare.

3. I have purchased a number of photographs along with some other graphics from a valid source at shortly after the time Chris Gregerson claims to have it taken. The photographer who sold it to me signed what I believed to be a valid contract and I had it notarized.

4. Approximately a year and a half later my office staff received a series of insulting phone calls. I later discovered that it was Gregerson who called before his letter was received by my staff in June, 2005. In that letter he threatened a lawsuit for \$50,000 unless I pay him \$5,000 in 2 days referencing other lawsuits he has supposedly won.

5. I contacted Gregerson and notified him that as a matter of fact I did purchase the photo at issue and should not have to pay for it a second time simply based on his letter, especially given the fact that the price he was demanding did not correlate at all the rates set forth on his website. I offered him to settle in a peaceful manner by paying him \$500.00. He declined my offer and decided to file a \$7,500 small claims case.

6. I later discovered that Mr. Gregerson specializes in suing companies in small claims court. Even though small claims court has no jurisdiction over copyright related cases, Gregerson knows that a non-appearance in court by the company automatically means a win for him. None of those companies paid him based on his demand letter, as they never took him seriously. There were approximately 8 cases that I found. He won all of those cases by default and managed to collect from one, based on the information I could ascertain. Gregerson never took the time to post a forum about either one of those companies.

7. Gregerson was very disappointed when he tried to go against Vilana, and was unsuccessful. However, wasting the company's time and resources was not enough for him, hence he decided to create a forum falsely accusing me of things that I never did and could not be proven. He also opened a forum allowing anybody to leave comments about Vilana and I in order to demoralize me and inflict a personal rampage of on the business.

8. Gregerson very carefully filtered all of the comments on his web site, leaving only the ones that he believed would benefit his personal attack against me and Vilana. As I have

come to learn through discovery, Gregerson received false information from an ex-employee who had received psychiatric care and medication for suicidal tendencies and alcohol and drug dependency; and who attempted to open a credit card account offered to Vilana under a false name for his personal use and benefit; and violated contract and several federal regulations Vilana Financial might prosecute him.

9. The entire strategy of Gregerson was simply to kill the business and drive people to his own web site by ruining the reputation of both Vilana Financial and me. As confirmed by his emails, Gregerson chose this course with the belief that Vilana would choose to pay him rather than stand on its principal and fight his false allegations and infringing conduct in Court. Gregerson openly writes about his intention to shut down Vilana and to make sure "Andrew" suffers in court.

10. In his emails Gregerson refers to me as "Russian Businessman", "Russian", "Criminal" and "Andrew". It should be clear from the totality of the evidence that Gregerson is engaging in discrimination based on national origin and is absorbed in a personal vendetta against me. He filled a police report with Wisconsin police department and provided by picture to the police claiming he and his wife were in fear for their lives. A supposedly afraid for his life does not publish articles all over the Internet (Google search engine returns 129 different web pages) that discuss the matter of "Russian Mafia vs. Innocent Photographer." Gregerson even tried to get the publisher of City pages newspaper to publish an article about the "Russian Mafia vs. Innocent Photographer."

11. His commercial web site, cgctock.com, that sells photo stock has turned from a purported discussion of issue of unauthorized picture use to an insult blog discussing my family, personal relationships, sex and attempting to insult and belittle Andrew anyway possible.

Because of Gregerson I've been stalked after he published comments about me along with my picture and provided an address where I and my family members can be located.

12. After 2 years of pain, misery and pointless hard work, I have ended up in empty office building that I can not sell. I have had to refinance everything I own and max out my credit cards just to prove that I am not some kind of criminal, that my family left Russia based on persecution and in hope of a better life and freedom in America, that I have served this country and have chosen to start a business from scratch in order to follow my dream of having my own business.

13. My whole life is now basically in jeopardy because some two years earlier I invested \$800 into a picture and \$3,000 into Dex phone book advertisement (Dex represented to me that Vilana's add would be printed in 750,000 copies of the Dex Minneapolis/St.Paul yellow pages) and thereby became a victim of a person who made this life purpose to ruin my life by abusing the legal system, making false and unverified representations to governmental licensing agencies and other third parties and basically bulling his way through the process. When someone like my attorney or the Court questions his veracity or the conduct towards me or Vilana, his response is to file a complaint on that individual.

Further your affiant sayeth naught.

By: ADV
Andrew Vilenchik

Subscribed and sworn to before me
this 26 day of July, 2007.

[Signature]
Notary Public

